



PUBLIC NOTICE

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DA 23-958

Released: October 13, 2023

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON THE C-BAND RELOCATION PAYMENT CLEARINGHOUSE'S PROPOSAL TO SET FINAL DEADLINES FOR SUBMISSION OF REIMBURSEMENT CLAIMS

GN Docket No. 18-122

Comments Due: [15 days after publication in the Federal Register]

As part of the ongoing transition of the 3.7-4.2 GHz band (C-band),¹ on October 6, 2023, the C-band Relocation Payment Clearinghouse (RPC)² submitted a report on the status of its transition cost reimbursement program as of the close of Fiscal Year 2023.³ In recognition of: (1) the successful completion of both the Phase I and II Accelerated Relocation Deadlines, which means that most reimbursement claims relating to the C-band transition have already accrued; (2) the status of the RPC's reimbursement program and claims processed to date; and (3) the number of, and anticipated accrual timeframe for, outstanding claims related to the C-band transition, the RPC proposed that the Wireless Telecommunications Bureau (Bureau) establish final reimbursement claims submission deadlines by which eligible incumbents and other eligible stakeholders would be required to submit any outstanding

¹ See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343 (2020) (*3.7 GHz Report and Order*). In the *3.7 GHz Report and Order*, the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use throughout the contiguous United States by transitioning existing services out of the lower portion of the band and into the upper 200 megahertz of the C-band. *Id.* The Commission required new 3.7 GHz Service licensees to reimburse the reasonable relocation costs of eligible Fixed Satellite Service (FSS) space station operators, incumbent FSS earth station operators, and incumbent Fixed Service licensees (collectively, incumbents) to transition out of the band. *Id.* at 2391, 2465-66, paras. 111, 326.

² The *3.7 GHz Report and Order* provided for the creation of an independent clearinghouse to administer, subject to the Commission's rules and oversight, the cost-related aspects of the transition in a fair and transparent manner, "to mitigate financial disputes among stakeholders, and to collect and distribute payments in a timely manner." *3.7 GHz Report and Order*, 35 FCC Rcd at 2446, para. 255; 47 CFR § 27.1414. A search committee appointed by the Commission selected CohnReznick LLP and subcontractors Squire Patton Boggs (US) LLP, and Intellicom Technologies, Inc., to serve as the clearinghouse; the Bureau subsequently determined that the search committee's selection satisfied the criteria set forth in section 27.1414 of the Commission's rules and described in the *3.7 GHz Report and Order*. *3.7 GHz Report and Order*, 35 FCC Rcd at 2450-52, paras. 273-80; *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, Order, 35 FCC Rcd 11859 (WTB 2020).

³ See Relocation Payment Clearinghouse LLC's Program Status Update and Request for Establishment of Claims Deadlines, GN Docket No. 18-122 (filed Oct. 6, 2023) (RPC Request).

transition-related claims to the RPC for processing.⁴ Specifically, the RPC proposed the following final claims submission deadlines:

- February 5, 2024, for all reimbursement claims for costs incurred and paid by claimants as of December 31, 2023, including all lump sum election claims by incumbent earth station operators.⁵
- September 30, 2024, for all reimbursement claims for costs incurred and paid by claimants after December 31, 2023, with the exhortation that claims be submitted to the RPC on a rolling basis within 30 days of being incurred.⁶

In its report, the RPC suggested that adoption by the Commission of these proposed deadlines as final and binding on all eligible incumbents or other eligible stakeholders would facilitate the timely conclusion of the reimbursement program and eventual wind down of the RPC's operations, which it currently targets as June 30, 2025.⁷ The RPC further proposed that it would not process or reimburse any C-band transition reimbursement claims it received after the relevant final claims submission deadline as untimely, which would provide all stakeholders, including eligible incumbents and the 3.7 GHz Service Licensees who are ultimately responsible for reimbursement payments, with a certain and predictable timeframe within which to discharge their remaining transition responsibilities and also reflects the Commission's priority for expediting the transition of this spectrum.⁸

The Bureau seeks comment on the RPC's proposed final claims submission deadlines.⁹ Are there any other milestones for which the Bureau should consider adopting deadlines and, if so, what should those deadlines be? We seek comment on any other steps the Bureau should take pursuant to its delegated authority to facilitate the conclusion of the C-band transition reimbursement program and wind down of the RPC's operations in an efficient and timely manner and in keeping with its remit to prevent fraud, waste, and abuse, including proposals advanced in recent *ex parte* submissions by AT&T, Verizon,

⁴ See RPC Request at 3-10. The Commission delegated broad authority over both the clearinghouse and the cost reimbursement process to the Bureau. See, e.g., *3.7 GHz Report and Order*, 35 FCC Rcd at 2450, 2452, paras. 271, 282; 47 CFR §§ 27.1413(e), 27.1416(a).

⁵ See RPC Request at 6-8. As part of its claims processing procedures, the RPC deems actual costs that have been paid by the eligible incumbent, or other eligible stakeholder, as incurred. See C-band RPC, *RPC C-band Handbook (version 1.5)* at Section 3, available at <https://cbandrpc.com/resources/>. Incumbent FSS earth station operators opting to receive a lump sum amount were required to make an irrevocable election and accompanying certification with the Commission by September 14, 2020. *Wireless Telecommunications Bureau Releases Final Cost Category Schedule for 3.7-4.2 GHz Band Relocation Expenses and Announces Process and Deadline for Lump Sum Elections*, GN Docket No. 18-122, IB Docket No. 20-205, Public Notice, 35 FCC Rcd 7967 (2020). The original lump sum election filing deadline of August 31, 2020 was later extended to September 14, 2020. *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, IB Docket No. 20-205, Order, 35 FCC Rcd 8856 (2020). The RPC began accepting reimbursement claims, including from lump sum electees, in August 2021. See Press Release, C-band RPC, *The Relocation Payment Clearinghouse to Accept Claims for Reimbursement and Lump Sum Payments Related to the C-band Relocation Program*, Press Release (Aug. 16, 2021), https://cbandrpc.com/guidance/Communications/RPC_Press_Release_8.16.2021.pdf.

⁶ See RPC Request at 8-9 (stating that for “any reimbursable costs paid after December 31, 2023, the RPC encourages claimants to submit such claims within 30 days of payment and to not wait until the recommended September 30, 2024 deadline”).

⁷ See RPC Request at 9-10.

⁸ See RPC Request at 9, n.12 (noting that certain incumbent space station operators anticipate incurring monthly recurring charges related to new teleport/Telemetry, Tracking, and Control locations until December 5, 2030, but without expressing a position on whether such claims may be eligible for reimbursement either before or after the claims deadline).

⁹ See RPC Request at 6-10.

and SES.¹⁰ All comments must be submitted within fifteen (15) days of Federal Register publication of this Public Notice.

Filing Requirements. All comments must reference GN Docket No. 18-122. Submissions may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service First-Class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- **Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.**¹¹

People with Disabilities. To request materials in accessible formats (braille, large print, electronic files, audio format) for people with disabilities, send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530.

Additional Information. For further information concerning this Public Notice, please contact Susan Mort, Wireless Telecommunications Bureau, at Susan.Mort@fcc.gov or (202) 418-2429.

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¹⁰ See 47 CFR §§ 0.131, 27.1412(h), 27.1414(b)(3)(iv); *3.7 GHz Report and Order*, 35 FCC Rcd at 2447-48, 2451 paras. 259, 262, 276; see also Letter from Raquel Noriega, AVP-Federal Regulatory, AT&T Services, Inc., and Rachel Bender, Vice President and Associate General Counsel, Verizon, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed Sept. 14, 2023) (AT&T/Verizon Joint *Ex Parte*) (requesting that the Commission set various deadlines “to facilitate the conclusion of the C-band transition reimbursement process and the RPC’s operations”); Letter from Brian D. Weimer, Counsel for SES Americom, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed Sept. 27, 2023) (SES *Ex Parte*) (arguing that some of the proposals in the AT&T/Verizon Joint *Ex Parte* may be premature at this time and, *inter alia*, advocating for a 90 day clock for RPC claims processing starting January 1, 2024).

¹¹ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.